

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EASTERN CONTRACTORS, INC.,	)	
Plaintiff	)	
	)	
v.	)	
	)	
CITY OF WORCESTER and THOMAS	)	NO. 03-CV-12216-MLW
R. HOOVER, City Manager, and HEERY	)	
INTERNATIONAL INC., and THOMAS	)	
A. ELLIS,	)	
Defendants	)	

**INITIAL DISCLOSURES OF EASTERN CONTRACTORS, INC. PURSUANT TO  
FED. R. CIV. P. 26(a)(1)**

Plaintiff, Eastern Contractors, Inc. ("Eastern") makes the following disclosures pursuant to Fed. R. Civ. P. 26(a) (1).

**(A). Names of individuals likely to have discoverable information.**

1. Ramash K. Motwone, c/o Eastern Contractors, Inc. 571 Union Avenue Framingham, MA 01702; Subject of testimony: Eastern's general bid for the Worcester Vocational High School Worcester, MA ("Project"); Eastern's performance on other contracts; rejection of general bid; Eastern's damages including lost profits and expectancy damages;
2. James Blauch c/o Eastern Contractors, Inc. 571 Union Avenue Framingham, MA 01702; Subject of testimony: general bid for the Project; rejection of same; Eastern's compliance with bid requirements; and damages;
3. Jill C. Daglis, City of Worcester/Office of Code Enforcement, 25 Meade Street, Worcester, MA 01610; Subject of testimony: Circumstances surrounding the rejection of Eastern's bid.
4. Thomas R. Hoover, Former City Manager, address unknown; Subject of testimony: Circumstances and reasoning behind rejection of bid.
5. Anthony Consigli and/or representative of Consigli Construction Co., Inc. 197 Main Street Milford, MA 01757; Subject of

testimony: qualifications to perform project and conversations with Worcester or its agents regarding bid for Project;

6. Thomas H. O'Connor and/or representative of O'Connor Constructors, Inc. 45 Industrial Drive Canton, MA 02021; Subject of testimony: qualifications to perform Project and conversations with Worcester or its agents regarding bid for Project.
7. Thomas Trifero, Clerk of Works, City Hall, Worcester, MA 01608; Subject of testimony: circumstances and reasoning behind rejection of bid.
8. Robert Para, c/o Lamoureux Pagano Associates, 14 East Worcester Street Worcester, MA 01604; Subject of testimony: circumstances and reasoning behind rejection of bid.
9. Thomas E. Ellis, Heery International, Inc. 4 Militia Drive Lexington, MA 02421; Subject of testimony: investigation of Eastern during pre-bid; qualifications to conduct said investigation; circumstances and reasoning behind rejection of bid.
10. Frank Kennedy, Heery International, Inc. 4 Militia Drive Lexington, MA 02421; Subject of testimony: investigation of Eastern and reasoning behind rejection.
11. Joyce Spatiglian, City of Worcester, address unknown. Subject of testimony: bid investigation.
12. John Ryan, Chairman – Lincoln-Sudbury High School; Subject of testimony: Eastern's performance on project and comments made to Worcester and/or its agents regarding Eastern.
13. Jeffrey Osuch, Town Administrator Fairhaven, MA; Subject of Testimony: Comments made regarding Eastern.
14. Andrew Tillet, same as Osuch.
15. Representative of Hinckley, Allen Snyder, LLP 28 State Street Boston, MA 02108; Subject of testimony: All communications by and between the firm and City of Worcester regarding award of contract to Consigli/O'Connor and work performed in connection with the litigation of this matter.

**B). Documents**

Eastern has not yet determined or discovered all the documents it intends to offer to prove its case. Eastern does not anticipate this to be a document intensive case. The documents Eastern is aware of are its bid preparation documents, correspondence to and from Worcester and/or its agents regarding the bid and Worcester's rejection, a report by Heery International, accounting documents evidencing Eastern's expected profit on the Project, recommendations by Eastern customers, Eastern's bid and associated documents. These documents are in Eastern's possession at its place of business. Other documents, Eastern anticipates, would include the general bid submitted by the second low, and ultimately, successful bidder, correspondence by and between any of the Defendants and any other entity or individual regarding the Project and/or the rejection of Eastern or the award to the second low bidder, including the investigation of this bidder, meeting minutes or memos of any of the Defendants regarding the bids and rejection or award. These documents are not in Eastern's possession but in the Defendants' possession.

**(C) Damages**

Eastern's damages are approximately \$6,000,000.00 for lost profits and/or expectancy damages. Eastern also seeks damages in the form of punitive and/or exemplary damages and attorneys' fees from the Defendants for civil rights and other violations of state and federal rights.

**(D) Insurance Agreements**

Eastern is unaware of any insurance agreements.

EASTERN CONTRACTORS, INC.

By its attorneys,

/S/Edward F. Vena

/S/Charles A. Plunkett

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/S/Edward J. Quinlan

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Dated: July 14, 2004